

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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LMREC III NOTE HOLDER, INC.,

Plaintiff,

No. 7:20-cv-05063
(KMK)(PED)

-against-

HUDSON EFT LLC, GUIDO SUBOTOVSKY,
SAMUEL GACCIONE, HUGO SUBOTOVSKY,
WILLIAM CLARKE, NOBLE ELEVATOR
COMPANY INC., SHAWN'S LAWNS INC., VSP
MECHANICAL INC., GEBERTH ELECTRIC INC.,
GAC BUILDERS LTD., BRIDGE MECHANICAL
CORPORATION, UPPER RESTORATION, INC.,
AND JOHN DOE #1 THROUGH JOHN DOE #10,

Defendants.
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SUPPLEMENTAL JUDGMENT OF FORECLOSURE AND SALE

Kenneth M. Karas, D.J.

On the Judgment of Foreclosure and Sale entered September 16, 2022 (the "Judgment of Foreclosure and Sale"), the Report of the Referee dated September 29, 2022 (the "Referee's Report"), and the Letter Motion of Plaintiff dated October 17, 2022, granted by the Honorable Kenneth M. Karas (U.S.D.J.) on October 20, 2022; from which it appears this action was brought to foreclose a certain mortgage on real property located at 80 Main Street, Ossining, New York 10562 in the County of Westchester, State of New York (the "Property"); and

UPON proof that Plaintiff has complied with the applicable rules for securing the Supplemental Judgment of Foreclosure and Sale (the "Supplemental Judgment"). Accordingly, the Supplemental Judgment is to be entered by the Clerk of Court against Defendant Hudson EFT LLC ("Borrower"). It is further hereby:

ORDERED, ADJUDGED AND DECREED, that the Referee's Report be, and the same is, hereby in all respects ratified and confirmed, and it is further

ORDERED, ADJUDGED AND DECREED, that the amount due to Plaintiff under the Loan Documents that are the subject of this action and as determined by the Referee as of September 30, 2022 is **\$8,701,184.37**, calculated as follows:

Category	Total
Original Principal Balance	\$5,400,000.00
Exit Fee	\$108,000.00
Interest of 6.75% (2/1/20-2/29/20)	\$29,362.50
Interest at the Default Rate of 11.375% (3/1/20-6/30/22)	\$1,795,849.56
Interest at the Default Rate of 11.875% (7/1/22-7/31/22)	\$83,450.18
Interest at the Default Rate of 12.5% (8/1/22-8/30/22)	\$89,743.45
Interest at the Default Rate of 12.75% (9/1/22-9/30/22)	\$90,534.63
Receiver Advances through Sept. 30, 2022	\$1,100,000.00
Outstanding Late Fees	\$4,244.05
Total	\$8,701,184.37

ORDERED, ADJUDGED AND DECREED, that the Paragraph titled "FOURTH" in the Judgment of Foreclosure and Sale is hereby replaced in its entirety as follows:

FOURTH: Said Referee shall also pay to the Plaintiff or its attorneys the sum of **\$8,701,184.37**, together with all late charges, fees and other costs, or so much as the proceeds of the sale will pay of the same, and together with any advances as provided for in the Note and Security Instrument which Plaintiff may have made for taxes, insurance, or to maintain the Property pending consummation of this foreclosure sale, not previously included in the computation, upon presentation of receipts for said expenditures to the Referee, all together with interest thereon pursuant to the Note and Security Instrument at the Default Rate (as defined in the Loan Documents), from October 1, 2022, until such time as this Supplemental Judgment is entered, plus interest at the statutory rate pursuant

to CPLR § 5004 from the entry of this Supplemental Judgment until the date the deed is transferred;

ORDERED, ADJUDGED AND DECREED, that the Judgment of Foreclosure and Sale is amended and corrected to require the Referee give public notice of the time and place of sale in accordance with RPAPL § 231 in *The Journal News* rather than the *Westchester Law Journal* as originally directed; and it is further

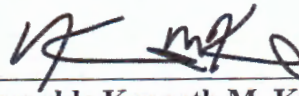
ORDERED, ADJUDGED AND DECREED, that the Judgment of Foreclosure and Sale is amended and corrected to accurately reflect the amount payable to the Referee, such that pursuant to CPLR § 8003(a) which sets the statutory fee of \$350 and allows a greater fee in the discretion of the court, Plaintiff shall pay a fee of \$850.00 (eight hundred fifty dollars) to the Referee for the computation of the amount due and upon the filing of the Referee's report and the Referee shall not request or accept additional compensation for the computation unless it has been fixed by the court in accordance with CPLR § 8003(a); and it is further

ORDERED, ADJUDGED, AND DECREED that following the conclusion of the auction and the transfer of the deed, Plaintiff may file a letter motion to confirm the Referee's Report of Sale to comply with RPAPL § 1355; and it is further

ORDERED, ADJUDGED, AND DECREED that unless otherwise stated herein, all provisions of the Judgment of Foreclosure and Sale shall remain in full force and effect;

ORDERED, ADJUDGED AND DECREED that Plaintiff shall serve a copy of this Supplemental Judgment of Foreclosure and Sale upon the owner of the equity of redemption, any tenants named in this action, and any other parties or persons entitled to service, including the Referee appointed herein.

ENTER:



**Honorable Kenneth M. Karas
United States District Judge
For the Southern District of New York**

DATED: 10/20/22